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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,727	12/18/2000	George G. Mooty	24012-37	4185
1333	7590	01/25/2005	EXAMINER	
PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/740,727		MOOTY ET AL.	
	Examiner		Art Unit	
	Heather D Gibbs		2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 1-6, 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/19/2005</u> | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Drawings

1. The drawings were received on 07/12/2004. These drawings are acceptable.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive. Regarding claims 1-6, Applicant has amended claim 1 to include the limitation "aligning the plurality of digital images." Upon further consideration, the Examiner finds this limitation to be included in Edgar (US 5,465,155) in Col 4 Lines 36-51. Edgar '155 teaches of a stitching process that aligns scanned layers. See also Fig 4.
3. Applicant's arguments with respect to claims 3-5,14-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Edgar (US 5,465,155).

Regarding claim 1, Edgar teaches a method for creating a single digital image file from multiple digital images, comprising: using a single imaging station to generate a plurality of digital images from a medium, each digital image representing the same source image on the medium; and combining the plurality of digital images to create a single

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enhanced digital image which represents the source image; and aligning the plurality of digital images (Col 3 Lines 55-Col 4 Lines 16. 36-51; Fig 4).

Considering claim 2, Edgar teaches a method wherein the medium comprises developing film (Fig 5a).

Regarding claim 6, Edgar teaches a method wherein the medium comprises developing film, and the imaging station comprises a back source configured to apply radiation to the back of the developing film, a front source configured to apply radiation to the front of the developing film, a back sensor configured to sense radiation from the back of the developing film, and a front sensor configured to sense radiation from the front of the developing film (Fig 9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar '155 in view of Hanson (US 3,457,011).

Edgar discloses the method for creating a single digital image file from multiple digital images.

Edgar does not disclose expressly wherein the imaging station comprises a radiation source and a radiation sensor and moving the medium through the single imaging station in

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a continuous uni-directional path wherein the medium is moved by applying the medium to a transport structure and rotating the structure.

Hanson discloses a radiation source and a radiation sensor (Col 3 Lines 1-10), moving the medium through the single imaging station in a continuous uni-directional path and wherein the medium is moved by applying the medium to a transport structure and rotating the structure (Col 4 Lines 52-63).

Edgar & Hanson are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Hanson with Edgar.

The suggestion/motivation for doing so would have been as both methods involve improvements to an original.

Therefore, it would have been obvious to combine Hanson with Edgar to obtain the invention as specified in claims 3-5, which are representative of claim 14.

8. Claims 15-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar '155 and Hanson '011 in view of Dunton et al (US 6,304,284).

Regarding claim 15-16, Edgar and Hanson disclose the digital film development system as discussed above in claim 14.

Edgar and Hanson do not disclose expressly a sensor configured to provide multiple digital images for each frame on the film and further comprising an image processor configured to combine the digital images for each frame.

Dunton discloses where multiple images are recorded on photographic film using electronic sensors 134 and processing unit 140 retrieves the images and recombines them into a single, panoramic image (Col 3 Lines 57-60; Col 4 Lines 25-30).

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Edgar, Hanson & Dunton are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Dunton with Edgar and Hanson.

The suggestion/motivation for doing so would have been to create a single image from multiple images using a sensor.

Therefore, it would have been obvious to combine Dunton with Edgar and Hanson to obtain the invention as specified in claims 15-16.

Considering claim 17, Edgar teaches wherein the source comprises a back source configured to apply radiation to the back of the film and a front source configured to apply radiation to the front of the film (Fig 9).

Regarding claim 18, Edgar teaches wherein the sensor comprises a back sensor configured to sense radiation from the back of the film and front sensor configured to senses radiation from the front of the film (Col 8 Lines 21-34).

Allowable Subject Matter

9. Claims 9-13 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: Examiner found neither prior art cited in its entirety, nor bases on the prior art, found any motivation to combine any of the said prior art which teaches a method for creating a digital image file from a developing film, comprising: applying developer to film to cause the film to begin to develop; positioning a frame on the developing film in front of a source during a first film development period; during the first film development period, applying radiation to the

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frame of the developing film using the source; sensing first radiation from the frame of the film during the first film development period using a sensor; creating a first digital image file from the sensed first radiation; returning the frame to the source during a second film development period; during the second film development period, applying radiation to the frame of the developing film using the source; sensing second radiation from the frame of the film during the second film development period using the sensor; creating a second digital image frame from the sensed second radiation; and combining the first and second digital image files to form a combined digital image file which represents the frame; wherein the positioning and returning steps are conducted by moving the film in the same direction.

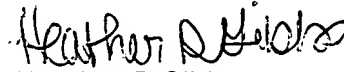
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2622

hdg

